

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED REGULAR MEETING

January 16, 2008

6:30 p.m. - Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

AGENDA

January 16, 2008

6:30 P.M.
CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: City Manager Ray Silver and Chris Birch, Personnel Consultant; Employee Organizations: Westminster Municipal Employees Association (WMEA) and Westminster Police Officers' Association (WPOA).

RECESS:

AGENDA

January 16, 2008

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: Council Member Marsh

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Resolution of Commendation to Gregory McFall, Johnson Middle School for being named a California Teacher of the Year by the California Department of Education.**
- B. Presentation to Council from the Homeowners at Goldenwest College Estates.

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

AGENDA

January 16, 2008

1. **CONSENT CALENDAR**

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of November 28, 2007, December 12, 2007; Minutes of the Special Meeting of the City Council of December 19, 2007; and Minutes of the Regular Meetings of the City Council/Redevelopment Agency of December 26, 2007, and January 9, 2008. (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 **Annual Software Maintenance for the City's Financial, Payroll, and Utility Billing Systems.** (James McAuliffe)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a purchase order in the amount of \$46,021.56 to Tyler Technologies, Inc., Eden Systems Division for annual software maintenance and support services.

- 1.3 **Selection of Consultant to Provide Geotechnical Engineering Services for New Police Building and Adjacent Parking Structure** (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve an Agreement for Professional Services with Leighton Consultant, Inc. in the amount of \$35,190 to provide geotechnical engineering services, which include Phase 1 environmental site assessment, for the new police building and adjacent parking structure, and authorize the City Manager to execute the agreement on behalf of the City.

AGENDA

January 16, 2008

1. CONSENT CALENDAR (Continued)

1.4 Acceptance of Traffic Safety Mini-Grant (Grant # OP0807) from the State of California Office of Traffic Safety (OTS), "Click It or Ticket" Seatbelt Compliance Campaign May 12, 2008 through June 1, 2008. (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize an appropriation in the amount of \$12,427 to the Office of Traffic Safety Grant Fund – Overtime – Salaries for seatbelt enforcement by officers and for the project's first line supervision;
- 2) Approve the acceptance of the Office of Traffic Safety (OTS), Click It or Ticket seatbelt compliance campaign grant funds; and
- 3) Authorize the Chief of Police, or his designee, to complete the process for the receipt of OTS funding.

1.5 Countywide Driving Under the Influence Campaign "Avoid the 28" Project Funded by a Grant (#ALO848) Awarded by and the through the State of California Office of Traffic Safety (OTS). (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the City of Westminster to participate in the program;
- 2) Authorize the Chief of Police to execute the memorandum of Understanding with the City of Anaheim (host agency); and
- 3) Open an account for deposit of monies received from the City of Anaheim (Manager of OTS Grant Funds) for reimbursement of overtime expenditures.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.6 Ordinance No. 2425 - An Ordinance of the Mayor and City Council of the City of Westminster Establishing Compensation for the Mayor and City Council.

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2425 and waive further reading.

1.7 Ordinance No. 2426 - An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 8.78 to Title 8 of the Westminster Municipal Code relating to shopping cart containment.

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2426 and waive further reading.

AGENDA

January 16, 2008

1. CONSENT CALENDAR (Continued)

- 1.8 Resolution No. 4131 – A Resolution of the Mayor and City Council of the City of Westminster repealing and replacing Resolution No. 3945 authorizing the examination of sales and use tax records. (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4131.

WARRANT REGISTER

- 1.9 (City Council/Redevelopment Agency) Warrant Register dated December 5, 2007 through January 8, 2008. (Paul Espinoza)

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.10 Minutes of the Westminster Youth Committee meetings held on October 10, 2007 and November 14, 2007. (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.11 Minutes of the Community Services and Recreation Commission meeting held on November 7, 2007 (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.12 Minutes of the Energy Committee meeting held on November 1, 2007. (Don Anderson)

RECOMMENDATION: Receive and file.

- 1.13 Treasurer's Report – November 2007 (Paul Espinoza)

RECOMMENDATION: Receive and file.

- 1.14 Community Development Monthly Activity Reports – November 2007 and December, 2007. (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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AGENDA

January 16, 2008

2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED GREEN FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW - None

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

AGENDA

January 16, 2008

4. PUBLIC HEARINGS (Continued)

4.1 APPEAL OF THE PLANNING COMMISSION'S DENIAL OF CASE NO. 2007-71 (CONDITIONAL USE PERMIT), A REQUEST TO ALLOW SALE AND CONSUMPTION OF BEER AND WINE WITHIN AN EXISTING RESTAURANT (EL TACO GRILL) LOCATED AT 8481 HEIL AVENUE, #H; APPLICANT/APPELLANT JORGE M. NAVARRO; PROPERTY OWNER: TAI HONG. (Art Bashmakian)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Applicant/Appellant

Others Speaking in Favor of Appeal

Speaking in Opposition of Appeal

Speaking in Rebuttal of Appeal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4130 entitled, "A Resolution of the Mayor and City Council of the City of Westminster upholding the Planning Commission's denial of a request to allow the sale and consumption of beer and wine (Alcoholic Beverage Control Type 41 License) at an existing restaurant (El Taco Grill) located at 8481 Heil Avenue, #H (Assessor's Parcel Number 107-511-01) (Case No. 2007-71).

4.2 COMMUNITY DEVELOPMENT BLOCK GRANT "NEEDS ASSESSMENT" PUBLIC HEARING TO RECEIVE COMMENTS TO ASSIST IN THE PREPARATION OF THE FISCAL YEAR 2008 CONSOLIDATED ACTION PLAN. (Kathy Johnston)

Staff Report

Mayor and City Council Discussion

Open Public Hearing

Speaking in Favor

Speaking in Opposition

Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council hold a Community Development Block Grant Needs Assessment Public Hearing to receive comments to assist in the preparation of FY 2008 Consolidated Action Plan.

AGENDA

January 16, 2008

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (Redevelopment Agency) Reimbursement of Lease Purchase Program Administration Costs to American Family Housing, Inc. (Kathy Johnston)

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Authorize the transfer of funds in the amount of \$39,677.12 from the Redevelopment Fund Contingency to the Redevelopment Low/Mod Income Housing Fund – Contractual – Other; and
- 2) Approve the reimbursement of Lease Purchase Program Administration Costs in the amount of \$39,677.12 to American Family Housing Inc.

6.2 Ad Hoc Design Committee for City-Chamber of Commerce Building (Don Anderson)

RECOMMENDATION: That the City Council appoint two members from the City Council, three City staff members, and three Chamber of Commerce members to serve on the Committee to provide input to the architect regarding the building and site design.

6.3 (City/Agency) Award of Contract for Sigler Park Waterspray Playground (Greg Johnson)

RECOMMENDATION: Staff recommends that the Chair and Agency Board authorize the transfer of funds in the amount of \$390,000 from the Redevelopment Fund Contingency to the Redevelopment Murray Hayden – Prop 12 (Sigler Park) CIP Project; and

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the award of contract to the low qualified bidder in the amount of \$938,914 to Micon Construction, and authorize the City Manager to execute to execute the contract on behalf of the City.

AGENDA

January 16, 2008

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.4 TET Parade and Founder's Day Parade Support. (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Take under consideration a request from the Vietnamese Heritage and Cultural Foundation of America requesting City sponsorship or partnership of the TET Parade 2008;
- 2) Consider providing limited financial support of up to \$20,000 each for the Annual TET Parade and the re-establishment of the Founders Day Parade. These funds will be used to cover any costs still outstanding, after expending all funds raised by, contributed to and deposited by the TET Parade Committee and sponsors;
- 3) Direct the City Attorney's office to prepare an agreement detailing the conditions related to the credit provided by the City; and
- 4) Authorize a budget transfer in the amount of \$40,000 from the General Fund Contingency to the Community Services – Special Department Expense budget.

7. WRITTEN COMMUNICATIONS (Public)

7.1 Use of City parking lot for shuttle services to Tet Festival (Greg Johnson)

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from The Union of Vietnamese Study Associations of Southern California (USVA) for the use of the Westminster Civic Center Parking and the Senior & Community Services Center Parking as an alternative parking lot on Saturday, February 9th from 10 a.m. to 11 p.m., and Sunday, February 10th from 10 a.m. to 10 p.m.; for hourly shuttle services to the annual Tet Festival held at Garden Grove Park in the City of Garden Grove.

8. LEGISLATIVE ITEMS

8.1 Review of Urgency Ordinance No. 2427 Establishing Section 17.48.020 Accessory Uses of Title 17 (Land Use) of the Westminster Municipal Code to Establish Interim Development Standards and Procedures for Large Family Day Care Facilities in the Single Family Residence District. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Urgency Ordinance No. 2427 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster Amending Title 17 (Land Use) of the Westminster Municipal Code to Establish Section 17.48.020 Accessory Uses to Establish Interim Development Standards and Procedures for Large Family Day Care Facilities in the Single Family Residence District", and waive further reading.

AGENDA

January 16, 2008

8. LEGISLATIVE ITEMS (Continued)

8.2 Implementation of Clerical/Administrative Support Independent Study Results (Chris Birch)

RECOMMENDATION: That the Mayor and City Council adopt Resolution No. 4136 entitled, "A Resolution of the Mayor and City Council of the City of Westminster adopting new classification specifications and designating appropriate bargaining units for specific classifications".

8.3 Compensation Plans for Management/Administrative/Confidential Employees, Employees Represented by the Westminster Police Officers' Association (WPOA), and Employees Represented by the Westminster Municipal Employees Association (WMEA) (Eddie Manfro)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt:

- 1) Resolution No. 4132 entitled, "A Resolution of the Mayor and the City Council of the City of Westminster Providing for a Compensation Plan for the Management/Administrative/Confidential Employees of the City of Westminster";
- 2) Resolution No. 4133 entitled, "A Resolution of the Mayor and the City Council of the City of Westminster Providing for a Compensation Plan for Employees Represented by the Westminster Police Officers' Association"; and
- 3) Resolution No. 4134 entitled, "A Resolution of the Mayor and the City Council of the City of Westminster Providing for a Compensation Plan for Employees Represented by the Westminster Municipal Employees' Association".

9. COMMISSION AND COMMITTEE ITEMS – None.

10. COUNCIL/AGENCY ADJOURNMENT: The next meeting of the City Council/Redevelopment Agency will be held on Wednesday, January 30, 2007 at 7:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Marian Contreras

Marian Contreras, City Clerk/Agency Secretary